

Request for Reconsideration
Appn. No. 10/825,814

5000-1-578

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REMARKS

Reconsideration of all grounds of rejection in the Office Action and allowance of the pending claims are respectfully requested in light of the following remarks. Claims 1-13 remain herein. Claims 1, 6 and 10 are independent claims.

Claims 1, 4, 6, 8-10 and stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Koch *et al.* (U.S. Pat. Appln. Publication 2004/0042446 A1) ("Koch"). Claims 2 and 11 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Koch in view of Barnard *et al.* (U.S. Pat. Appln. Pub. 2003/0005097 A1) ("Barnard"). Claims 3 and 12 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Koch in view of Sobel *et al.* (U.S. 7,249,187 B2) ("Sobel"). Claims 5 and 7 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Koch in view of Tams *et al.* (U.S. 6,862,286) ("Tams"). Applicant respectfully traverses this ground of rejection for the reasons indicated herein below.

Applicant notes that in the Response to the Argument, there is a statement that nothing in the claims prohibits the composition of an OLT as alleged in the rejections. Applicant respectfully submits that the definition of an OLT being used in the Office Action is not just semantically different than the claimed language. Applicant respectfully submits that the definition of an OLT in the response to the arguments and in the rejections is technically incorrect, and contrary to terminology as known and understood by persons of ordinary skill in the art.

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On Page 8 and 9, the Final Office Action reasserts that grouping the items in Koch to include (FIG. 2 of Koch) the DHCP servers 36A-36N, routers 20A-20N and Point Interface 12 and collectively refer to them as an OLT, is incorrect.

As the recitation of the term OLT in the present claims is being interpreted in such a fashion, Applicant respectfully but strongly disagrees that "based upon the broadest reasonable interpretation of the claims, the rejections based upon the cited disclosures in Koch is proper." Applicant respectfully submits that the grouping of the network components and referring to them collectively as an OLT is not a reasonable interpretation of the claim language, and does not reflect the teachings of Koch as well.

Applicant respectfully submits that a person of ordinary skill in the art at the time of invention, would understand an OLT (Optical Line Termination) to be the service provider endpoint of a passive optical network and is placed at the central or head end in a system's network. Thus, if the PON interface 12 receives video content via a head end 24, it is not part of the OLT.

Furthermore, strongly disagrees with the statement of Page 9 of the Final Office that the proxy agents are the same as the DHCP server as "the claims do not require the ability to perform the full function set of a DHCP server in order to be "included" in the OLT." The claimed subject matter is being confused by the foregoing statement. Claim 1, for example recites in part "including a dynamic host configuration protocol (DHCP) server in the OLT", and claim 2 recites, for example, transmitting a response signal from the ONT having requested IP address assignment to the DHCP server when the ONT is assigned an IP address from the DHCP server.

As Koch discloses at page 2, paragraph [0024] that "[I]n accordance with the

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invention, PON interface 12 monitors communications between a DHCP server and a DHCP client, i.e. a device served by a network node 28, and generates routing information that maps each interface module of PON interface 12 with an associated set of IP address based on the monitored communications" Applicant submits that the to suggest that providing a proxy relay agent in the PON interface 12 reads on the claim language is incorrect, for example, as DHCP server 102 shown in FIG. 3 of the present invention is "in the OLT" 100 as claimed.

Applicant respectfully submits that Koch fails to disclose all the elements recited in the base claims, and thus, all of the rejections under 35 U.S.C. §102(e), and 35 U.S.C. §103(a) (which rely on Koch in combination with other references) should be withdrawn. In fact, the Office Action characterizes Koch in a way that is contrary to the reference, as well as being contrary to the understanding of terminology as known to a person of ordinary skill in the art, as discussed below.

In accordance with MPEP 2131, under 35 U.S.C. §102, according to the United States Court of Appeals for the Federal Circuit, a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" (*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (emphasis added)). Therefore, to reject a feature, which is alleged to patentably distinguish the claim containing such feature, as being anticipated by a prior art, the Office Action must establish that the same feature is present in the prior art reference. As Koch fails to disclose each and every element as set forth in claims 1, 6 and 10, these independent claims are not anticipated by the reference.

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For at least the above reasons, Applicant respectfully submits that the rejection of independent claims 1, 6 and 10 under 35 U.S.C. §102(e) is overcome. Applicant respectfully submits that with regard to claims 2-5, 7-9 and 11-13, each of which is allowable at least for dependence from an allowable base claim (which is believed allowable at least for the reasons discussed above), and because of a separate basis for patentability. Individual consideration of all dependent claims 2-5, 7-9 and 11-13 on their own merits is respectfully requested as well.

With regard to the rejections under 35 U.S.C. §103(a), Applicant respectfully submits the combinations of Koch and Barnard, or Koch and Sobel, or Koch and Tams, all fail as combinations to disclose or suggest any of the present claims. For example, none of the combinations of references discloses or suggests the DHCP being included in the OLT, as recited in claims 1, 6 and 10, thus rendering any of the claims dependent therefrom as allowable at least for this reason. Nor would the combination of elements, as combined in the present claims, have been obvious to a person of ordinary skill in the art at the time of invention in view of the knowledge in the art.

In accordance with MPEP 2143, with regard to the rejections of claims under 35 U.S.C. §103(a), Applicant respectfully submits that the United States Court of Appeals for the Federal Circuit required a showing of an un rebutted prima facie case of obviousness (*In re Rouffet*, 149 F.3d 1350, 47 USPQ2d 1453 (Fed. Cir. 1998) (citing *In re Deuel*, 51 F.3d 1552, 1557, 34 USPQ2d 1210, 1214 (Fed. Cir. 1995))). Nor do the claims recite features as combined in the claims that would have been within the ordinary skill in the art (*KSR International Co. v. Teleflex Inc. et al.*, No. 04-1350, U.S. Supreme Court, decided April 30, 2007).

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For at least the above reasons, all rejections under 35 U.S.C. §103(a) are overcome.

For all the foregoing reasons, Applicant respectfully submits that all grounds of rejection in the Final Office Action are overcome. A Notice of Allowance is respectfully requested. In the event that any additional fee is required to continue the prosecution of this Application as requested, please charge such fee to Deposit Account No. 502-470.

If the Examiner has any questions regarding this Application, it is respectfully requested that the Applicant's attorney of record be contacted at the below-noted telephone number.

Respectfully submitted,
CHA & REITER, LLC

By: 
Steve S. Cha
Attorney for Applicants

Date: April 29, 2008

Mail all correspondence to:
CHA & REITER, LLC
210 Route 4 East, #103
Paramus, NJ 07652
Phone: (201) 226-9245
Fax: (201) 226-9246
SC/sg